

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

Jason A. Zangara)	
)	
Plaintiff,)	Civil Action No. 22-1559 (RK) (JBD)
)	
v.)	
)	Order To Show Cause
)	Why A Preliminary
National Board of Medical Examiners (NBME))	Injunction Should
)	Not Be Issued
Defendants.)	
		Temporary Restraining Order

Plaintiff Jason A. Zangara, Pro Se, has filed a Complaint for Injunctive Relief to address the Defendants alleged violations of Americans with Disabilities Act (“ADA”), Pub.L. 101-336, Title III, 42 U.S.C. § 12181 et seq. and other state and federal laws along with their implementing regulations. Plaintiff has also moved, pursuant to Rule 65 of the Federal Rules of Civil Procedure for an Order to Show Cause why a Preliminary Injunction should not issue and an Ex Parte Temporary Restraining Order

FINDINGS OF FACTS

Upon consideration of the Plaintiffs Complaint, this application and the certifications, and exhibits filed in support thereof, the court finds that:

1. This Court has original jurisdiction over the parties to this matter and this Court has jurisdiction to issue the requested relief pursuant to 28 U.S.C. §§ 2201 and 28 U.S.C. §§2202
2. Venue is proper under 28 U.S.C. § 1391 (b) because all relevant events giving rise to this claim have occurred in this judicial district.

3. The Complaint alleges claims under the Americans with Disabilities Act (“ADA”) with Plaintiff alleging he belongs to a protected class and his rights under this act are being violated.

4. There is good cause to believe that the Defendants have engaged in and are likely to engage in acts and practices that violate including but not limited to the Americans with Disabilities Act (“ADA”) and their applicable provisions to the matter at hand. These actions include the scoring of examinations by Defendant in a manner inconsistent with the intent of the Americans with Disabilities Act (“ADA”). Specifically the Defendants are comparing disabled exam takers performance to others who sit for the exam, not independently as required by law.

5. The evidence set forth in the Plaintiffs Complaint & Application for a Temporary Restraining Order and for an Order to Show Cause why a Preliminary Injunction should not issue , shows that the Plaintiff is likely to prove that the Defendants have repeatedly violated these statutes and have engaged in a course of illegal activity.

6. There is good cause for the Court to order the Defendants to cease and desist from any further illegal activities including but not limited to the Defendants, from continuing to violate the applicable provisions of the Americans with Disabilities Act (“ADA”); and other applicable laws & regulations as specified in the complaint by scoring their examinations in any manner but evaluating the test taker on their own merit, not in comparison to anyone else or any group.

7. Accordingly, due to the alleged irreparable harm Plaintiff is experiencing, and the public interest in this matter a motion for a Preliminary Injunction is reasonably necessary at this time.

8. Upon review of the information submitted with Plaintiffs application the court _____ believe that due to the substantial public interest and harm to Plaintiff in the scoring

of Defendants examinations, a Temporary Restraining Order is required at this time effective immediately.

IT IS HEREBY ORDERED that the Plaintiffs request for an Order to Show Cause why a Preliminary Injunction should not be issued is **GRANTED** and the parties shall _____ appear before the court on _____

IT IS FURTHER ORDERED that any opposition to Plaintiffs application by Defendants be filed & served _____ days before the return date

IT IS FURTHER ORDERED that any reply to Defendants opposition be filed & served by Plaintiff _____ days before the return date

IT IS FURTHER ORDERED that it is in the public interest that the Defendants are enjoined immediately from performing the above activities including continuing to violate the Americans with Disabilities Act (“ADA”) and other applicable laws & regulations as specified in the Complaint by scoring their exams against any other group or test takers in a manner that does not accurately reflect the test takers own abilities to practice medicine. Their exams are to be scored objectively to determine passing or failing not a relation to the performance of others, on a curve, using percentiles or any other method. This provision of the order shall expire automatically on _____ 2023

IT IS FURTHER ORDERED that the Plaintiff shall serve a copy of this order immediately to Defendants within _____ days upon receipt

SO ORDERED, this ____ day of _____

HON. ROBERT KIRSCH
UNITED STATES DISTRICT JUDGE
FOR THE DISTRICT OF NEW JERSEY